

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA

Government.

v.

Case No. 03-80810

AHMAD MUSA JEBRIL,

Defendant.

SUPERVISED RELEASE VIOLATION HEARING

BEFORE THE HONORABLE GERALD E. ROSEN, Chief Judge
United States District Judge
731 US Courthouse & Federal Building
231 W. Lafayette Street
Detroit, Michigan 48226
Thursday, June 5, 2014

APPEARANCES:

CYNTHIA OBERG
Assistant United States Attorney
211 W. Fort Street
Detroit, MI 48226
On behalf of the Government.

RITA CHASTANG
Federal Defenders Office
615 Abbott Street
Detroit, MI 48226
On behalf of the Defendant.

To Obtain a Certified Transcript:
Carol S. Sapala, RMR, FCRR
313.961.7552
www.transcriptorders.com

Usa v Jebril 03-80810

ALSO APPEARING: Bernadatte Moore
U.S. Probation Officer

Supervised Release Violation Hearing 6-5-2014

C O N T E N T S

IDENTIFICATION	PAGE
----------------	------

WITNESSES

None.

Supervised Release Hearing	4
----------------------------	---

Certificate of Court Reporter	35
-------------------------------	----

E X H I B I T S

IDENTIFICATION	MARKED	RECEIVED
----------------	--------	----------

None Marked, Offered or Received

Supervised Release Violation Hearing 6-5-2014

1 Detroit, Michigan

2 Thursday, June 5, 2014

3 2:30 p.m.

4 THE CLERK: Now calling case number 03 dash
5 80810, United States versus Ahmad Jebril.

6 THE COURT: Good afternoon. Appearances,
7 please.

8 MS. OBERG: Good afternoon, Your Honor.
9 Cynthia Oberg, on behalf of the United States.

10 MS. CHASTANG: Good afternoon, Your Honor.
11 Rita Chastang on behalf of Mr. Ahmad Jebril.

12 THE COURT: All right.

13 Miss Chastang, have you had an opportunity to
14 review the violation allegations with Mr. Jebril?

15 MS. CHASTANG: I have reviewed them with him,
16 Your Honor.

17 THE COURT: And how does he wish to respond to
18 the violations?

19 MS. CHASTANG: Mr. Jebril denies that he has
20 made any untruthful statements to his probation officer,
21 Your Honor.

22 THE COURT: Well, let's take it one at a time.
23 The first:

24 That he shall report to the probation
25 officer and submit truthful, complete

Supervised Release Violation Hearing 6-5-2014

1 written reports within the first five days
2 of each month.

3 The allegation is that his conditions of supervised
4 release require he complete a truthful supervised
5 release report.

6 The form includes a question which asks whether he
7 has a P.O. Box.

8 The offender did indicate on previous
9 monthly supervision forms he had a P.O. Box
10 in Lincoln Park.

11 However, a Lexis-Nexis search revealed he
12 has a P.O. Box listed in Dearborn Heights
13 which he failed to disclose on his monthly
14 supervision form submitted to the probation
15 officer.

16 He, he says that's factually inaccurate?

17 MS. CHASTANG: That's correct, Your Honor.

18 And, in fact, our office investigator spoke with
19 postal inspector M.L. Turner regarding that P.O. Box and
20 he confirmed that Mr. Jebril does not have that box. It
21 is registered in the name of another person who is a
22 woman and she has had it since July of 2012, Your Honor.

23 THE COURT: Miss Oberg?

24 MS. OBERG: I accept what Ms. Chastang has
25 said, Your Honor.

Supervised Release Violation Hearing 6-5-2014

1 I think it's quite possible that the Lexis-Nexis
2 search would be out-of-date or not up-to-date.

3 It's my recollection of the trial that was a P.O.
4 Box Mr. Jebril had then and he may well have given it
5 up.

6 THE COURT: All right. What's probation's
7 concern with the P.O. Box?

8 PROBATION OFFICER: Bernadette Moore on behalf
9 of the United States Probation Department. That
10 information is correct. We did verify that.

11 THE COURT: Which information is correct?

12 PROBATION OFFICER: I'm sorry. That the Post
13 Office Box, that information, the P.O. Box does not
14 belong to him.

15 THE COURT: Does probation have any basis to
16 believe that he has been using it?

17 PROBATION OFFICER: No, Your Honor.

18 THE COURT: Okay. So shall we just dismiss
19 the violation of condition two?

20 PROBATION OFFICER: Yes.

21 THE COURT: All right.

22 What about the next violation, number three.
23 Violation is:

24 He has to answer truthfully inquiries by his
25 probation officer and follow instructions.

Supervised Release Violation Hearing 6-5-2014

1 Offender requested permission and was
2 granted permission to travel to
3 Raleigh-Durham, North Carolina November 21
4 through November 24 of 2013.

5 He said it was a short vacation to visit
6 friends.

7 Probation Officer retrieved the information
8 from The Internet which listed the
9 offender's itinerary while he was in North
10 Carolina.

11 The itinerary indicated he lectured at East
12 Carolina University on the topic Muslims
13 Love Jesus.

14 Itinerary two lists at the IAR Islamic
15 Center did not list the offender as a
16 speaker there.

17 On November 23, 2013, itinerary indicated
18 that the offender was a guest speaker at a
19 full-day seminar on a topic entitled Enter
20 My Jannah at North Carolina State
21 University.

22 Offender never disclosed to his probation
23 officer that he was traveling for the
24 purpose of speaking at these two
25 universities.

Supervised Release Violation Hearing 6-5-2014

1 Offender also informed the probation officer
2 that his trip to North Carolina was paid for
3 by his nephew, Mr. Haroun Odeh, but did not
4 provide verification of same when he was
5 asked to do so by his probation officer.

6 On November 25, probation officer questioned
7 the offender as to what exactly he did in
8 North Carolina.

9 Offender told probation officer that he
10 mainly drove around looking at trees, taking
11 in scenery in North Carolina area; stated he
12 drove by a park but couldn't recall the name
13 of the park.

14 Then told his probation officer that his
15 nephew and his nephew's girl friend
16 accompanied him on the trip, that they had
17 gone to a local mall.

18 The offender failed to disclose he had
19 scheduled speaking engagements in North
20 Carolina when he requested his travel
21 request, nor did he disclose information --
22 the information upon his return to the
23 Eastern District of Michigan.

24 How does he address these factual allegations?
25

Supervised Release Violation Hearing 6-5-2014

1 MS. CHASTANG: Your Honor, Mr. Jebril does not
2 deny that he spoke at the schools. He does consider it
3 a vacation. He was on vacation. And he doesn't deny
4 the factual allegations.

5 It was not his intent to be untruthful, however.

6 THE COURT: When he was questioned when he
7 came back, why didn't he tell the truth?

8 MS. CHASTANG: Your Honor, it's not a matter
9 of deceiving the probation officer. This was something
10 that he did and enjoyed doing.

11 He was -- he went to the universities because a
12 group of students asked him to and he spoke and it's as
13 simple as that, Your Honor.

14 THE COURT: What about payment of his tickets?

15 MS. CHASTANG: That is something that
16 Mr. Jebril did not pay for, doesn't have full
17 information to disclose. We're trying to obtain that
18 information so he can submit it to the probation
19 officer.

20 And there is a number of one of the students that
21 we can give to the probation officer so she can speak
22 with this person.

23 THE COURT: Ms. Oberg?

24 MS. OBERG: Your Honor, Mr. Jebril asked for
25 permission to go on vacation to North Carolina. He was

Supervised Release Violation Hearing 6-5-2014

1 granted that permission.

2 Clearly, his goal to go there was to speak at these
3 universities. They were pre-arranged speaking
4 engagements.

5 I have, if the Court wishes to see it, a copy of an
6 article from the East Carolinian dated
7 November 19, 2013, advertising that on this Thursday we
8 will host Sheik Jebril for a passport event titled
9 Muslims Love Jesus at 5:30. Goes on to advertise that
10 speech.

11 This wasn't something where he was down there
12 looking at trees and someone said, hey, come over to the
13 university and speak. That was his plan when he left.
14 He didn't disclose it. He lied about it when he got
15 back.

16 I think that violation is very clear and not unlike
17 Mr. Jebril's past where he has made a living by fraud
18 and by deceit as the Court knows from the trial that
19 went on in this courtroom in Your Honor's courtroom at
20 the time.

21 As far as who paid for it, this was November 2013,
22 that's seven months ago. If he had been -- if Haroun
23 Odeh who, by the way, was who the Court also presided
24 over the jury tampering case.

25

Supervised Release Violation Hearing 6-5-2014

1 Haroun Odeh is Mr. Jebril's nephew who was too
2 young to be prosecuted at the time of the jury
3 tampering. However, he was on the Blockbuster Video
4 along with Musa Odeh, the nephew, who did plead and was
5 convicted of jury tampering.

6 If there are documents that would establish that
7 Haroun Odeh, who as far as I know is a student, could
8 pay for the trip to North Carolina and the hotel which,
9 by the way they didn't stay in a hotel he was authorized
10 to stay in, they changed hotels without notifying
11 Ms. Moore. I think it's clearly deceit.

12 I'm not concerned about his exercise of his First
13 Amendment Rights. He has every right to speak whatever
14 he wants to speak about.

15 It's leaving the state, getting permission to go
16 for one thing and doing something entirely different.

17 THE COURT: Was he paid for the speeches; does
18 anybody know?

19 MS. OBERG: I don't know.

20 THE COURT: Ms. Moore?

21 PROBATION OFFICER: Your Honor, I don't know if
22 he was paid.

23 THE COURT: Miss Chastang?

24 MS. CHASTANG: Your Honor, he was not paid for
25 the speeches.

Supervised Release Violation Hearing 6-5-2014

1 And I might add that this is not -- this is not
2 criminal activity, this is not activity that is
3 untoward.

4 There's no evidence that anything that Mr. Jebril
5 did or said there was untoward or involved anything of a
6 criminal nature.

7 He -- as the Court knows from the articles
8 submitted to him, at least according to the report I
9 have by the Probation Department, he lectures. He
10 lectures for free on The Internet.

11 His information is out there, it's available to
12 everyone. And this appears to be nothing more than a
13 group of students asking him to come speak.

14 There is nothing about this conduct that involves
15 anything that, that --

16 THE COURT: But I'm not following one thing in
17 your line of argument here, Miss Chastang.

18 Were these speeches pre-arranged? He just wasn't
19 walking down the street one day and somebody saw him and
20 said, gee, would you come inside with us and make a
21 speech. This was -- it sounds like the purpose of his
22 travel. They were pre-arranged.

23 And to not have told his -- if it was as innocent
24 as you say, he should have told his probation officer.

25

Supervised Release Violation Hearing 6-5-2014

1 Why would he not have told his probation officer?

2 MS. CHASTANG: My question, Your Honor, if it
3 is innocent, why does he have to tell his probation
4 officer?

5 THE COURT: Because his probation officer
6 requires information knowing the purpose of a trip,
7 knowing what he's going to be doing so he can be
8 supervised.

9 I don't have to tell you, Ms. Chastang, that a bond
10 being on supervised release is a trust. It's of -- he's
11 being, he's being trusted by the Court, by his probation
12 officer, to comply with the conditions of supervised
13 release.

14 MS. CHASTANG: I do believe he understands
15 that, Your Honor, but I think this is simply a matter of
16 Mr. Jebril considering this is something that he wanted
17 to do and --

18 THE COURT: He doesn't get to make the
19 decisions unilaterally, that's been his problem in the
20 past.

21 MS. CHASTANG: I think once he's asked
22 probation for permission to go, he was given permission
23 to go, I think he just looked at it from that
24 prospective, Your Honor.

25

Supervised Release Violation Hearing 6-5-2014

1 THE COURT: What about the hotel? He didn't
2 stay at the hotel. Ms. Oberg says he didn't stay at the
3 hotel that he gave to his probation officer.

4 MS. CHASTANG: I believe that that was simply
5 changed, Your Honor, because the group paying for the
6 trip changed the hotel.

7 Now for that we can say he should have notified the
8 probation officer of his new location.

9 THE COURT: The group paying for the trip.
10 Who paid for the trip? He said his cousin was going to
11 pay for the trip.

12 Why has he been, after seven months, so reluctant
13 to tell the government or to tell the probation officer,
14 rather, who paid for the trip?

15 MS. CHASTANG: Your Honor, I think this is
16 directly related to the fact that he does have
17 notoriety. If he's speaking to people that he likes and
18 admires, he just didn't want them involved.

19 THE COURT: That doesn't pass the smell test,
20 Ms. Chastang. He's on supervised release.

21 MS. CHASTANG: I agree.

22 THE COURT: To travel is a privilege.

23 MS. CHASTANG: I agree.

24 THE COURT: He should be going out of his way
25 to give more information, not less.

Supervised Release Violation Hearing 6-5-2014

1 MS. CHASTANG: I agree, Your Honor.

2 But as I said, Mr. Jebril is a high profile
3 personality. And at least according to this article
4 that I've read, he is a cleric who is known
5 internationally to a certain group of people and anyone
6 that he comes in contact with is going to be interviewed
7 by the press. The press is here today.

8 THE COURT: So that gives him the right to
9 withhold material information about where he's staying?
10 Who's paying for his trip?

11 MS. CHASTANG: No, I'm not saying that.

12 THE COURT: The purpose of the trip?

13 MS. CHASTANG: I'm saying, Your Honor, that
14 given the fact that this is not -- he didn't travel,
15 Your Honor, to engage in any type of illegal conduct.

16 I would think someone with his notoriety would
17 certainly be on the radar of every law enforcement
18 network who's interested if he were engaging in anything
19 illegal or untoward and he was not.

20 He simply went there to lecture and he wanted to do
21 it as, as -- without any -- as little notoriety as he
22 could in terms of involving others.

23 THE COURT: He went there to lecture. He
24 should have disclosed that to his probation officer.
25 And I don't know whether she would have approved it.

Supervised Release Violation Hearing 6-5-2014

1 She probably would have come to me.

2 I don't know if I would have approved it, but I
3 certainly would have asked questions about who's paying
4 for the trip, where he was staying, all of the very
5 basics that I would have required before I granted
6 permission for him to travel.

7 MS. CHASTANG: Your Honor, I think one of the
8 concerns that I have about this, frankly, is that our
9 clients understands there's a restitution issue here.
10 But the detail that's requested, Your Honor, could be
11 related to this article in terms of what Mr. Jebril's
12 activities are.

13 I don't think he's violated. His restitution is
14 current and I don't think that in terms of the
15 conditions that have been imposed by this Court, that
16 his conduct constitutes a direct violation of those
17 conditions, because he hasn't -- as I said, he doesn't
18 engage in any criminal activity.

19 He hasn't done anything that has compromised his
20 ability to make restitution payments.

21 He did speak as he has a First Amendment right to
22 do. And the government has clearly, you know, raised
23 that as something that it wants to make sure the Court
24 knows they don't want to interfere with. But I think
25 that that is an issue here.

Supervised Release Violation Hearing 6-5-2014

1 Mr. Jebril reported, he asked permission. He
2 didn't simply go to North Carolina and not report that
3 to the probation officer. He didn't try to sneak and do
4 it, he got permission.

5 And I think, Your Honor, that he should have or
6 could have provided more detail. But he has not engaged
7 in anything criminal, Your Honor.

8 THE COURT: Well, as you know, that is a
9 separate condition of supervised release.

10 MS. CHASTANG: That's correct, Your Honor. I
11 do.

12 THE COURT: The condition of supervised
13 release that we're talking about here is the requirement
14 that he answer truthfully all inquiries. And this is
15 true in every aspect of supervision, but particularly if
16 a defendant is going to be granted leniency and
17 permitted a waiver from a condition such as not leaving
18 the district.

19 This seems like a blatant disregard of an important
20 condition.

21 MS. CHASTANG: I understand, Your Honor.

22 THE COURT: Does the government have any
23 response so far to these -- to this condition?

24 MS. OBERG: I agree with the Court's
25 perception the defendant lied to the probation officer

Supervised Release Violation Hearing 6-5-2014

1 to go, lied about where he was staying. And after he
2 got back, he lied about what he did when he was there.
3 I think it's clearly a violation.

4 THE COURT: The next violation -- I won't read
5 it unless you'd like me to, Ms. Chastang, deals with an
6 issue we touched on, which is who's paying for the trip.

7 He said his cousin had paid for the trip -- I'm
8 sorry, his nephew, Mr. Odeh, who I would note Mr. Odeh
9 was involved in the jury tampering case, as Ms. Oberg
10 reminds us. He was not charged because of his -- he was
11 a juvenile.

12 Then, apparently, the name on the billing was
13 Hassan Masod or Masod, somebody completely different.

14 MS. CHASTANG: Yes, Your Honor. That person
15 is a student, I believe, at Eastern Carolina University.

16 THE COURT: That would be one of the schools
17 that he spoke at?

18 MS. CHASTANG: That's correct, Your Honor.

19 THE COURT: So his trip was paid for by the
20 university?

21 MS. CHASTANG: I don't believe it was paid for
22 by the university, Your Honor.

23 THE COURT: Paid for by the group that invited
24 him to speak?

25

Supervised Release Violation Hearing 6-5-2014

1 MS. CHASTANG: That's what I believe.

2 THE COURT: Which puts a lie to his
3 representation that this was purely a vacation.

4 MS. CHASTANG: Your Honor, I disagree. I
5 think that Mr. Jebril did consider this -- it's
6 certainly a break from his routine. He did enjoy doing
7 it.

8 THE COURT: Miss Chastang, please.

9 When I go to travel and I go to speak somewhere,
10 somebody asks is this business or pleasure, I say
11 business. I'm being asked to speak. That's business.
12 I'm not -- don't get paid for it usually, almost never.
13 That doesn't make it a vacation.

14 MS. CHASTANG: Your Honor, if I may. I, I
15 think it is a matter of perspective. As I said, he
16 enjoyed doing that. He speaks frequently. He speaks on
17 The Internet.

18 THE COURT: I'm not telling him not to speak.
19 I'm not telling him he can't. I'm not saying if he had
20 come and requested permission for a waiver of this
21 provision and he had told us that he was going down
22 there to speak, I'm not saying we would not have
23 permitted it.

24 It's the lack of truthfulness and candor with the
25 Court that is, again, what troubles the Court here.

Supervised Release Violation Hearing 6-5-2014

1 That's what troubles the Court.

2 I guess I should ask this. Do you wish to put
3 Mr. Jebril on the stand and put on any testimony from
4 him understanding, of course, that I'll put him under
5 oath, he'll be testifying under oath?

6 MS. CHASTANG: No, Your Honor. We're not
7 calling any witnesses other than the information that
8 I've proffered to the Court, Your Honor.

9 THE COURT: So would you like me to take your
10 proffers as --

11 MS. CHASTANG: I would ask --

12 THE COURT: -- both, both as an officer of the
13 court, both as legal argument, but where the legal
14 argument is supported by facts as factual
15 representations?

16 MS. CHASTANG: Yes, Your Honor.

17 THE COURT: Ms. Oberg?

18 MS. OBERG: Your Honor, there's one other
19 aspect of the financial disclosure in the violation
20 report, part two.

21 Ms. Moore indicates that Mr. Jebril is buying or
22 selling goods on eBay and some of them appear to be
23 brand new power tools and other things of significant
24 value.

25

Supervised Release Violation Hearing 6-5-2014

1 And that she was able to determine there was at
2 least one \$3800 transfer of money from his Paypal
3 Account.

4 There's no proof from Mr. Jebril of where he gets
5 the things he's selling or how much income he makes from
6 that or what he does with that money.

7 I think Ms. Moore has indicated to me, and I think
8 to the Court, that Mr. Jebril is current on his
9 restitution payments, but they're based on his
10 representations about what his income is.

11 If, in fact, he's making income from eBay, that
12 needs to be disclosed as well. We need to know or the
13 Court should know where the expensive power tools, cell
14 phone cases, woman's handbags and other miscellaneous
15 items that he's selling, where they come from. And I
16 think that's part of the duty he has of candor as far as
17 disclosure of financial information.

18 MS. CHASTANG: That is included in the area
19 under adjustment of supervision.

20 THE COURT: I was going to ask -- I didn't see
21 that as a specific violation. I saw that in the joint
22 supervision position.

23 Did you view that as a separate violation,
24 Ms. Oberg?

25

Supervised Release Violation Hearing 6-5-2014

1 MS. OBERG: I view it, Your Honor, as part of
2 the violation that indicates that he has failed to
3 provide the probation officer with requested financial
4 information because she has asked for that information
5 and has not received it.

6 MS. CHASTANG: Your Honor, I believe he has
7 provided her with records. If Ms. Moore wants more
8 detailed records about his eBay transactions --

9 THE COURT: It does, of course, raise the
10 question of where he's getting the money for these
11 transactions, another troubling question.

12 MS. CHASTANG: Your Honor, I'd also like to
13 proffer I believe Mr. Jebril told the probation officer
14 that he stayed in a different hotel, so he did disclose
15 that on his return.

16 THE COURT: Ms. Moore?

17 PROBATION OFFICER: Your Honor, that's not
18 true.

19 I asked him -- when I asked him what exactly did he
20 do when he traveled to North Carolina, he told me that
21 he did basically some sightseeing.

22 I said did you even stay where you said you were.
23 No, he did change hotels.

24 And, at that time, I said to him why didn't you
25 report that to me, because you cannot change your travel

Supervised Release Violation Hearing 6-5-2014

1 itinerary without reporting it to the probation officer.

2 THE COURT: So if he advised her it was only
3 after he was confronted.

4 MS. CHASTANG: He did, he did volunteer, Your
5 Honor, that he had changed hotels.

6 THE COURT: I'm concerned. I saw in the
7 adjustment section about the sales on eBay. I'm
8 concerned about where he's getting the money for this.

9 I'm concerned about whether the money is his, the
10 sources of the funding, what the money is being used
11 for.

12 If he's not paying his full share, I'm concerned
13 he's not paying what he should be paying in restitution
14 if the money is being generated through legal means, all
15 of this.

16 How can the Court trust Mr. Jebril?

17 MS. CHASTANG: Your Honor, in terms of the
18 eBay transactions, I know people who sell on eBay and
19 many of them do have multiple sources for the items that
20 they sell. Many people go to thrift stores and garage
21 sales and their postings are made by setting prices that
22 they believe are appropriate.

23 As I said, Mr. Jebril can disclose his transactions
24 to the probation officer so that she can determine the
25 source of the items, where they come from and the nature

Supervised Release Violation Hearing 6-5-2014

1 of his sales.

2 If the Court is directing him to do that, Your
3 Honor, he can certainly do that.

4 THE COURT: Ms. Moore, have you already asked
5 him for this information?

6 PROBATION OFFICER: Yes, I, I have.

7 MS. CHASTANG: He has turned over financial
8 records about his eBay sales, Your Honor. But, again,
9 this isn't an allegation.

10 There's nothing -- there's no evidence that any of
11 his transactions are illegal, Your Honor, there simply
12 isn't. This is simply conjecture about what may or
13 possibly --

14 THE COURT: Well, whether they're illegal or
15 not illegal, he should have disclosed them.

16 Is he not required to disclose all financial
17 information to his probation officer?

18 MS. CHASTANG: He is, Your Honor. But, I
19 mean, this is one of those things where's there's -- the
20 probation officer is saying there must be something
21 there.

22 Well, there is no evidence that there is anything
23 else there, Your Honor, and it's troubling.

24 THE COURT: It's troubling that when asked and
25 he doesn't provide full disclosure.

Supervised Release Violation Hearing 6-5-2014

1 MS. CHASTANG: He has provided records to the
2 probation officer, Your Honor.

3 THE COURT: Ms. Moore, is that true?

4 PROBATION OFFICER: He has provided statements
5 at the end of the month from eBay.

6 THE COURT: Is that all?

7 PROBATION OFFICER: I think one record that he
8 sent did list people that he sold to on eBay.

9
10 THE COURT: What information have you
11 requested?

12 PROBATION OFFICER: I asked him specifically
13 for -- in order to verify his financial information,
14 that he provide monthly statements from eBay to me.

15 And I also asked him -- I did ask him specifically
16 what he was selling, who he was selling to on eBay and
17 where he got the merchandise.

18 THE COURT: Was that information provided?

19 PROBATION OFFICER: He told me that he
20 basically got things that his relatives and friends did
21 not want and that sometimes he would sell to other
22 people.

23 THE COURT: What's the government's position?

24 MS. OBERG: Your Honor, I think there's a
25 clear lack of respect for the orders of the Court and

Supervised Release Violation Hearing 6-5-2014

1 the requests of probation at the direction of the Court.

2 The Court can impose guidelines of four to ten
3 months or a statutory maximum custodial term of three
4 years.

5 I ask the Court to seriously consider imposing a
6 time of custody to bring home to Mr. Jebril the
7 importance of being candid with the Court and candid
8 with probation and complying with the rules that are put
9 in place.

10 MS. CHASTANG: Your Honor, I don't believe
11 that any of the allegations that are made would rise to
12 a preponderance of the evidence that Mr. Jebril has
13 violated his terms of supervised release.

14 And I, I, I don't think, Your Honor, that the
15 conduct -- given the fact that the conduct he's alleged
16 to have engaged in, as I said, is not criminal conduct.

17 He is reporting as directed. He is current on his
18 restitution.

19 There is no evidence -- there is certainly no
20 evidence to establish that he has materially changed his
21 financial circumstances to the extent it would obligate
22 him to increase the payments on restitution. It simply
23 is not there.

24 Most of this, Your Honor, is based on conjecture
25 and speculation.

Supervised Release Violation Hearing 6-5-2014

1 THE COURT: Well, but it's conjecture and
2 speculation because Mr. Jebril is not forthcoming with
3 information.

4 MS. CHASTANG: Your Honor, the records that he
5 can pull in terms of the eBay account -- he can pull
6 from eBay, he has provided to the Probation Department.

7 And I think, Your Honor, that the Court has,
8 according to the report from the probation officer,
9 imposed sanctions on Mr. Jebril.

10 The Court has stopped all travel by him. The Court
11 can certainly direct Mr. Jebril to provide more detailed
12 information if it has concerns about his eBay account.

13 To the extent he has access to that, he can pull
14 it, give it to Ms. Moore if the Court believes that it
15 impacts his restitution or that there has been a
16 material change in his financial situation.

17 Right now he lives at home and sleeps on his dad's
18 couch. If he's making money from eBay, Your Honor, it's
19 certainly not a significant amount. He doesn't own a
20 car.

21 There simply is nothing to show that, that he's
22 deceiving the probation officer in terms of his
23 financial circumstances, Your Honor.

24 I would ask the Court, at a minimum, to adjourn
25 this matter.

Supervised Release Violation Hearing 6-5-2014

1 The Court can continue restrictive conditions as it
2 has done or increase Mr. Jebril's reporting requirements
3 if it believes that's appropriate.

4 They're other means to address the issues that are
5 raised by a violation petition that are far less drastic
6 then an additional term of custody, Your Honor, and we
7 ask the Court to consider that and not impose a sentence
8 within the advisory guideline range, Your Honor.

9 THE COURT: I'm prepared to rule.

10 Probation is dropping violation of standard
11 condition number two; the Court need not deal with that.

12 With respect to violation of standard condition
13 number three:

14 That the defendant shall answer truthfully
15 all inquiries by his probation officer,
16 follow instructions of his probation
17 officer.

18 The Court finds by a preponderance of the evidence
19 that the explanations that the defendant has given
20 simply do not wash.

21 The Court finds that they are evasive, incomplete,
22 untruthful and show a lack of an intent to follow the
23 terms of his supervised release.

24 With respect to violation of condition that he
25 provide his probation officer with access to any

Supervised Release Violation Hearing 6-5-2014

1 requested financial information, I will base my
2 determination on this violation only on the factual
3 allegations contained in the violation, not on the eBay
4 account, although I've already expressed my concerns
5 about them.

6 The Court finds that the defendant's explanations
7 here are utterly and completely insufficient.

8 The Court is particularly concerned about the
9 source of payment of the trip to North Carolina, that,
10 taken together with the false information that he gave
11 about the purpose of the trip, puts a lie to the -- not
12 only the purpose of the trip, but to who was paying for
13 the trip.

14 The question of who pays for a defendant's trip is
15 critical, because it can reveal that there are other
16 sources that are supporting a defendant and that he has
17 other options available to him to finance his -- to
18 finance his life.

19 As near as the Court can tell, Mr. Jebril seems to
20 be completely unwilling to be forthcoming except when
21 he's confronted with information that his probation
22 officer is requesting. None of this should be
23 necessary. None of this should be necessary.

24 He has an absolute obligation to be fully truthful
25 and fully accurate with his probation officer when asked

Supervised Release Violation Hearing 6-5-2014

1 about or even when making requests of his probation
2 officer as was the case here.

3 Mr. Jebril has utterly failed in doing this, so
4 I'll find that he has violated these two conditions.

5 If the government wishes to come forward with
6 another violation based only on the eBay accounts, we
7 can consider that at another time.

8 MS. OBERG: Thank you.

9 THE COURT: In terms of addressing this, it's
10 clear that the current conditions of probation are not
11 sufficient.

12 Mr. Jebril seems to want to interpret the
13 conditions of his supervised release in a light most
14 favorable to himself and to exempt himself from common
15 sense in making the disclosures, so we're going to
16 tighten up his conditions considerably. Here, I'll ask
17 for Probation's input.

18 First, how much time does Mr. Jebril have on his
19 supervised release remaining?

20 PROBATION OFFICER: He has -- his supervised
21 release is scheduled to terminate on March 29, 2015.

22 THE COURT: Less than a year.

23 PROBATION OFFICER: Less than a year.

24 THE COURT: For the balance of his supervised
25 release, he will wear a tether, electronic tether.

Supervised Release Violation Hearing 6-5-2014

1 Since Mr. Jebril is not able to conform himself to
2 the requirements of telling people what he's doing and
3 when he's doing it, he'll wear a tether.

4 As we've already discussed, he will not -- he will
5 not travel outside the district; all access, all travel
6 privileges are canceled.

7 Let's address some of the other issues the Court
8 has raised with Mr. Jebril.

9 Any employment has to be approved in advance by his
10 probation officer prior to commencement of employment
11 and this includes self employment and I include within
12 this, buying articles and selling them on eBay.

13 He may not think that's employment, but if he's
14 earning a living from it, generating revenue to support
15 himself, that's employment, so it includes self
16 employment or contracted employment.

17 He will provide his probation officer with all
18 information requested by the probation officer
19 concerning any social media accounts that he operates or
20 uses.

21 He will submit his person, his residence, his
22 office, his vehicle, papers, his business or place of
23 employment or any property under his control to a
24 search.

25 Such a search shall be conducted by his probation

Supervised Release Violation Hearing 6-5-2014

1 officer at reasonable times and places and in a
2 reasonable manner based upon a reasonable suspicion of
3 contraband, evidence or a violation of a condition of
4 supervised release.

5 Failure to submit to such a search may be grounds
6 for revocation of supervised release.

7 The defendant will warn any resident that the
8 premises -- any residents that the premises may be
9 subject to search.

10 The defendant will provide his probation officer
11 with accurate information about all computer systems,
12 hardware and software, all passwords and all Internet
13 Service Providers and that the defendant has the
14 potential and -- that the defendant has potential and/or
15 reasonable access to and will abide by all of the rules
16 of his probation officer -- probation office's computer
17 monitoring program.

18 The defendant will only access a computer approved
19 by his probation officer.

20 The defendant will consent to his probation officer
21 conducting periodic unannounced examinations of his
22 computer systems which may include computer monitoring
23 software at the defendant's expense.

24 For purposes of accounting for all computers
25 hardware, software, accessories, the defendant will

Supervised Release Violation Hearing 6-5-2014

1 submit his person, residence, computer and/or vehicle to
2 a search conducted by his probation officer at such
3 reasonable time and manner as the probation officer
4 sets.

5 The defendant will inform any other residents that
6 the premises and his computer may be subject to a search
7 pursuit to this condition.

8 The defendant will also provide his probation
9 officer with access to any requested financial
10 information, including billing records such as a
11 telephone, cable, Internet or satellite.

12 The defendant seems to have enough money so, at
13 this point anyway, given his restitution obligation, the
14 Court will impose the costs of the GRS -- GPS tether
15 upon the defendant.

16 Ms. Moore, are there other conditions?

17 PROBATION OFFICER: No, Your Honor.

18 THE COURT: All right. Ms. Oberg?

19 MS. OBERG: No, sir, Your Honor. Thank you.

20 Ms. Chastang, Mr. Jebril?

21 The defendant is -- if he didn't realize this
22 before, officially on zero tolerance. Any violations
23 will result in immediate revocation of supervised
24 release and it will result in the immediate detention.

25 MS. CHASTANG: Your Honor, we'd ask that the

Supervised Release Violation Hearing 6-5-2014

1 cost of the tether be waived. He simply doesn't have
2 the money to pay for the tether, Your Honor.

3 And if his -- I don't know what Probation's
4 position will be with respect to the self employment
5 through eBay, but I don't believe his income is
6 significant from that business.

7 THE COURT: Why don't we do this. If the
8 probation officer can satisfy herself that his eBay
9 business is legitimate, he can continue that then he
10 will have to pay out of the proceeds from his eBay
11 business. If not and if he has no other source of
12 income, then I'll waive the costs of the GPS tether.

13 Ms. Moore, did you -- assuming the defendant
14 cooperates, do you think that the defendant will be able
15 to satisfy you that they're conditions such that he can
16 legitimately sell on eBay or some other -- Craig's List
17 or some other computer database?

18 PROBATION OFFICER: I would suggest under close
19 monitoring that we would have basically have his case
20 transferred to intensive supervision and where he could
21 be monitored more closely.

22 THE COURT: Okay. Well, I'll leave it to you
23 to decide if he can continue to sell on eBay.

24 If what he's doing is illegal, if he's generating
25 income from it, then he's going to have to bear the

Supervised Release Violation Hearing 6-5-2014

1 costs of tether.

2 All right. Anything else?

3 MS. CHASTANG: No, Your Honor.

4 MS. OBERG: Thank you.

5
6 (This hearing concluded at 3:18 p.m.)
7
8
9
10
11
12

13 CERTIFICATE OF COURT REPORTER
14

15 I certify that the foregoing is a correct transcript
16 from reported proceedings in the above-entitled
17 matter.
18
19
20

21 s/Carol S. Sapala, FCRR, RMR July 9, 2014
22
23
24
25